

# House File 476 - Enrolled

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HOUSE FILE 476

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1 3 AN ACT  
1 4 REGULATING THE SALE OF AMMONIUM NITRATE BY FERTILIZER DEALERS,  
1 5 AND PROVIDING PENALTIES.  
1 6  
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 8  
1 9 Section 1. Section 200.3, Code 2005, is amended by adding  
1 10 the following new subsections:  
1 11 NEW SUBSECTION. 0A. "Ammonium nitrate" means a compound  
1 12 that is chiefly composed of ammonium salt of nitric acid which  
1 13 contains not less than thirty-three percent nitrogen, one-half  
1 14 of which is in the ammonium form and one-half in the nitrate  
1 15 form.  
1 16 NEW SUBSECTION. 12A. "Licensee" means a person licensed  
1 17 under section 200.4.  
1 18 Sec. 2. NEW SECTION. 200.17A AMMONIUM NITRATE SECURITY.  
1 19 A licensee who sells ammonium nitrate on a retail basis  
1 20 shall comply with all of the following:  
1 21 1. The licensee shall store the ammonium nitrate in a  
1 22 location which secures it from unauthorized access, and which  
1 23 prevents and provides for the detection of its theft.  
1 24 2. A licensee shall only sell ammonium nitrate to a  
1 25 purchaser who presents a current official identification  
1 26 issued by the federal government or a state government which  
1 27 includes the purchaser's photograph and identifying  
1 28 information including the person's legal name and home  
1 29 address.  
1 30 3. The licensee shall maintain a record of each sale of  
1 31 ammonium nitrate as follows:  
1 32 a. The record shall be on a form promulgated or approved  
1 33 by the department. The form shall include at least all of the  
1 34 following:  
1 35 (1) The date of sale.  
2 1 (2) The quantity of ammonium nitrate purchased.  
2 2 (3) The information contained in the purchaser's official  
2 3 identification as provided in this section. If the official  
2 4 identification is a driver's license, the information shall  
2 5 include the driver's license number. A photocopy of the  
2 6 purchaser's current official identification on file with the  
2 7 licensee shall comply with the requirements of this  
2 8 subparagraph.  
2 9 (4) The purchaser's telephone number.  
2 10 (5) The purchaser's signature.  
2 11 b. The licensee shall maintain the record for at least two  
2 12 years after the date of the sale.  
2 13 4. The department, a law enforcement officer as defined in  
2 14 section 80B.3, or an agent of the United States department of  
2 15 justice may examine and photocopy the record during regular  
2 16 business hours.  
2 17 Sec. 3. Section 200.18, subsection 2, Code 2005, is  
2 18 amended to read as follows:  
2 19 2. a. ~~A~~ Except as otherwise provided in this subsection,  
2 20 a person violating this chapter or rules adopted by the  
2 21 secretary pursuant to this chapter ~~shall be~~ is guilty of a  
2 22 simple misdemeanor. ~~However, a~~  
2 23 b. A person who tampers with, possesses, or transports  
2 24 anhydrous ammonia or anhydrous ammonia equipment ~~commits~~ is  
2 25 guilty of a serious misdemeanor under section 124.401F.  
2 26 c. A person who intentionally presents false  
2 27 identification or other information required in section  
2 28 200.17A in order to purchase ammonium nitrate commits a  
2 29 serious misdemeanor. A person who purchases ammonium nitrate  
2 30 from a person required to be licensed under section 200.4 with  
2 31 the intention of manufacturing an explosive or incendiary  
2 32 device or material is guilty of a class "D" felony.  
2 33 2A. A person who is licensed pursuant to section 200.4 who  
2 34 fails to comply with the requirements of section 200.17A shall  
2 35 be subject to disciplinary action by the department. For a  
3 1 first violation, the department may suspend the person's  
3 2 license for up to ninety days. For a subsequent violation,  
3 3 the department may suspend the person's license for a longer  
3 4 period or revoke the person's license.  
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CHRISTOPHER C. RANTS  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 476, Eighty-first General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2005

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THOMAS J. VILSACK  
Governor